

REMARKS

This amendment is in response to the Office Action mailed November 9, 2005 in the above-referenced patent application.

In response to the restriction requirement, Applicant hereby elects the invention of Group I, claims 1-14, drawn to a composition and dog treat containing said composition. Accordingly, claims 16-20 are cancelled herein. However, Applicants reserve the right to prosecute the non-elected claims in divisional applications.

Claims 1, 3 and 6 were rejected for allegedly being anticipated by Montgomery (US Patent 6,074,662). This rejection is respectfully traversed.

As amended, claim 1 is directed to a dog treat, chew or toy comprising acetic acid or a pharmaceutically acceptable salt thereof and sodium hexametaphosphate. Montgomery teaches chewable objects for animals which contain, as a dentally therapeutic ingredient, one or more cationic substances. In a preferred embodiment, Montgomery may also contain an alkali metal salt such as acetic acid. However, Montgomery does not teach or suggest the additional presence of sodium hexametaphosphate. Accordingly, Montgomery neither teaches nor suggests the invention of claim 1. Further, as claims 3 and 6 depend from an allowable main claim, claim 1, these claims are allowable as well. Reconsideration is respectfully requested.

Claim 1 was rejected for allegedly being anticipated by Spanier (US Patent No. 4,904,495). This rejection is respectfully traversed.

As amended, claim 1 is directed to a dog treat, chew or toy comprising acetic acid or a pharmaceutically acceptable salt thereof and sodium hexametaphosphate. Spanier teaches a chewy, semi-plastic, non-extruded, non-porous, microbiologically-stable dog food which includes gelatin, acidulant, cereal starch-containing textural agent a release agent, a taste agent, a

sugar , salt and water, wherein the acidulant may be acetic acid. However, Spanier does not teach or suggest the additional presence of sodium hexametaphosphate. Accordingly, Spanier neither teaches nor suggests the present invention. Reconsideration is respectfully requested.

Claims 8-15 were rejected as being anticipated by Prencipe et al. (US Patent 5,256,402). As claim 11 has been cancelled, the rejection as to claim 11 has been rendered moot. This rejection is respectfully traversed as to claims 8-10, and 12-15.

As amended, claim 16 recites a dental composition comprising acetic acid or a pharmaceutically acceptable salt thereof and about 0.05% sodium hexametaphosphate. Prencipe teaches an abrasive dentifrice composition containing an oxygen liberating whitening compound including sodium hexametaphosphate in concentrations of about 0.5 to about 8.0% by weight in addition to about 0.1 to about 6.0% by weight of an acidulating agent. Accordingly, Prencipe teaches an amount of sodium hexametaphosphate in combination with an acidulating agent that is much greater as claimed in claim 8 of the present invention. In fact, at such high concentrations, the composition becomes unpalatable and therefore would deter use. Accordingly, Prencipe neither teaches nor suggests the invention as claimed in claim 8. Further, as claims 9-10 and 12-15 are allowable as they depend on an allowable main claim. Reconsideration is respectfully requested.

Claims 1, 5 and 7 were rejected as being obvious over Asami et al. (US Patent 5,460,802) in view of Axelrod (US 4,924,811). As claim 7 has been cancelled, the rejection as to claim 7 has been rendered moot. This rejection is respectfully traversed as to claims 1 and 5.

As amended, claim 1 is directed to a dog treat, chew or toy comprising acetic acid or a pharmaceutically acceptable salt thereof and sodium hexametaphosphate. Asami teaches an oral disinfectant for companion animals. Asami does not teach a dog treat, chew or toy. Axelrod

'811 teaches an annealed nylon rope formed with one or more knots held by a dog, or human, to enable an untwisted tassel portion of the rope to be pulled between a dog's teeth in the manner of dental floss. According to the Examiner, it would have been obvious to one of ordinary skill in the art to combine Asami and Axelrod '811 to obtain the present invention as claimed in claim 1. However, the rope of Axelrod '811 is not ingestible. In fact, the rope of Axelrod '811 consists of nylon. In contrast thereto, the dog treat, chew or toy as claimed in claim 1 is ingestible and also provides nutritious benefits. Accordingly, contrary to the Examiner's assertions, the combination of Asami and Axelrod '811 does not render the present invention obvious, as neither reference, either alone or in combination, teach or suggest a dog treat, chew or toy comprising acetic acid and sodium hexametaphosphate in an edible treat, chew or toy. Further, as claim 5 depends from an allowable main claim, claim 1, this claim is allowable. Reconsideration is respectfully requested.

Claim 2 was rejected as being obvious over Asami et al. in view of Axelrod (US 6,093,427). This rejection is respectfully traversed.

As amended, claim 2 is directed to a vegetable chew comprising acetic acid or a pharmaceutically acceptable salt thereof and sodium hexametaphosphate, wherein the acetic acid is present in about 1%. As above, Asami teaches an oral disinfectant for companion animals comprising 2-10 weight % of a chelating agent such as acetic acid. Axelrod '427 teaches a chew toy having a substantial component of vegetable matter wherein such vegetable matter, in dried and powdered or granulation form, is melted as it is injection molded. According to the Examiner, it would have been obvious to one of ordinary skill in the art to combine Asami and Axelrod '427 to obtain the present invention as claimed in claim 2. However, Asami teaches much higher amounts of acetic acid than claimed in the present invention. In fact, at the higher

concentrations taught by Asami, the composition becomes increasingly unpalatable, thereby decreasing the animal's desire to eat or chew the treat, chew or toy. Accordingly, contrary to the Examiner's assertions, the combination of Asami and Axelrod '427 does not render the present invention obvious, as neither reference, either alone or in combination, teach or suggest a dog treat, chew or toy comprising acetic acid and sodium hexametaphosphate with amounts of acetic acid of about 1%. Reconsideration is respectfully requested.

Claim 4 was rejected as being obvious over Asam in view of Axelrod (US 3,871,334). This rejection is respectfully traversed.

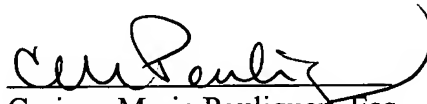
As amended, claim 4 is directed to a nylon bone comprising acetic acid or a pharmaceutically acceptable salt thereof and sodium hexametaphosphate, wherein the acetic acid is present in about 1%. As above, Asami teaches an oral disinfectant for companion animals comprising 2-10 weight % of a chelating agent such as acetic acid. Axelrod '334 teaches a chewing toy item for animals, which has permanent flavor and odor components impregnated into a nylon substrate. According to the Examiner, it would have been obvious to one of ordinary skill in the art to combine Asami and Axelrod '334 to obtain the present invention as claimed in claim 4. However, Asami teaches much higher amounts of acetic acid than claimed in the present invention. In fact, at the higher concentrations taught by Asami, the composition becomes increasingly unpalatable, thereby decreasing the animal's desire to eat or chew the treat, chew or toy. Accordingly, contrary to the Examiner's assertions, the combination of Asami and Axelrod '334 does not render the present invention obvious, as neither reference, either alone or in combination, teach or suggest a dog treat, chew or toy comprising acetic acid and sodium hexametaphosphate with amounts of acetic acid of about 1%. Reconsideration is respectfully requested.s

A Three-Month Extension of Time and appropriate fees are being submitted herewith. No additional fees are believed due for this response. However, the Commissioner is hereby authorized to charge any fees in connection with this response to Deposit Account No. 220585 (Attorney Docket No. 47981.101), noting that Applicant is a small entity.

The Examiner is invited to contact the undersigned with any questions or comments in order to expedite prosecution. All correspondence should be directed to the address listed below.

Respectfully submitted,

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